

he is not to be subjected to corporal punishment by force of the general words of any statute in which he is not expressly named. A joint tenant or tenant in common may also offend against the statutes, by forcibly ejecting or holding out his companion. And if a man has been in possession of land for never so long a time by a defeasible title, and another, having a right of entry therein, make a claim, and the wrongful possessor continues his occupation with force, he is punishable for a forcible entry and detainer, for his estate was defeated by the claim and *his continu- **186**
 ance in possession amounts in law to a new entry, 1 Hawk. P. C. 282, 283; though it may perhaps be doubtful whether the holding over by a termor, after the expiration of his term, is constructively an unlawful entry, see *R. v. Oakley*, 4 B. & Ad. 307; but he is, it seems, guilty of a forcible detainer if it be done with force, though no attempt to enter be made, *Baron Snigge v. Shirton*, Cro. Jac. 199; *Rawlings v. Rawlings*, 3 H. & McH. 438; 2 Harr. Ent. 64.² So if A. find B. out of his house, and forcibly withhold him from returning to it, and send persons in the meantime to take peaceable possession, A. is guilty of a forcible entry, 1 Hawk. P. C. *supra*; see, however, Com. Dig. tit. Forcible Entry, A. 3. And, generally, all who accompany a man when he makes a forcible entry are adjudged to be guilty with him though themselves using no force, Co. Litt. 257 b. If A. enter B.'s house by the window and threaten him, and B. for fear leaves the house, this is a forcible entry, Moor. 185; but no words alone, however violent, can amount to a forcible entry without violence used by the party. Again, if a man have two houses adjoining, the one by a defeasible and the other by a good title, and he uses force in that which he has by a good title to keep persons out of the other house, this is a forcible detainer, 2 Shep. Abr. 203; and it is a forcible detainer, if a justice of the peace, on complaint made, come to view force in a house and admittance is denied him, Com. Dig. *supra* B. 1. But, in general, a person is not guilty of a forcible detainer³ by barely refusing to go out of a house and continuing therein in despite of another. If a person lawfully enters another's house, to demand a debt for instance, and refuses to depart, the owner is justified in turning him out of the house, but not in giving him into custody and having him locked up in the watch-house, *Green v. Bartram*, 4 C. & P. 308; but he may do so, it seems, if the party make such a noise as will create an alarm or disquiet in the neighborhood, or in persons passing along the street, if such

² *Clark v. Vannort*, 78 Md. 219.

³ **What is a forcible detainer.**—Forcible detainer is when a man who enters peaceably afterwards detains his possession by force; as if he threatens a corporal damage to him who attempts to enter; and the same circumstances of violence or terror which will make an entry forcible, will also make a detainer forcible. *Clark v. Vannort*, 78 Md. 219.

If a person who has the legal right of entry on land in the possession of a wrongdoer is allowed to enter peaceably through the outer door, it is still illegal to turn out the wrongdoer with violence. *Edwick v. Hawks*, 18 Ch. D. 199.

As to what is actual physical possession, see *Lows v. Telford*, 1 App. Cas. 414; *New Windsor v. Stocksdales*, 95 Md. 196.